

## **REMARKS**

### **Allowed Claims**

The allowance of claims 1-11, 13-21, 23, 25-32 and 39 is acknowledged with appreciation.

### **Amended Claim 35**

Claim 35 has been amended from independent to dependent form and as amended is dependent on allowed claim 32. As amended, claim 35 adds to allowable claim 32 a pair of orifices which communicate with the source of high pressure fuel between said source upstream of the engine and the jet nozzle of the jet pump. Rewriting claim 35 in this manner was simpler than submitting a new claim directly dependent on allowed claim 32 and calling for "a pair of orifices..."

In view of this amendment, the rejection of independent claim 35 under §103 over Reef in view of Fournier is moot. For the record, applicants respectfully disagree with this rejection for the reasons set forth in the prior responses dated August 28, 2008 and January 21, 2009 which are incorporated herein by reference.

Accordingly, as amended, dependent claim 35 is believed to now be in a proper form and condition for allowance and to define patentable subject matter, regardless of its own merits, for at least the reasons for which previously allowed independent claim 32 was deemed to do so.

### **Dependent Claims 36 & 38**

Each of claims 36 and 38 is directly dependent on amended claim 35/32 and hence, regardless of their individual merits, defines patentable subject matter for at least the reasons for which previously allowed claim 32 was deemed to do so and should be allowed.

### **Jet Nozzle of Claims 35, 38 & 39**

The “nozzle” terminology of each of claims 35, 38 and 39 has been amended to --jet nozzle-- which is identical to the “jet nozzle” terminology of allowed claim 32 to thereby assure use of the proper antecedent basis in each of dependent claims 35, 38 and 39.

### **Condition for Allowance**

These amendments obviate the prior grounds of rejection and place claims 35, 38 and 39 in a proper form and condition for allowance. Consideration of these amendments does not require any further search or consideration of prior art or entail any significant additional work by the Patent Office, and are necessary to provide a greater scope of dependent claims. They were not presented earlier because applicants believed there were significant reasons for allowance thereof which were presented in the prior Office Action pursuant to an RCE and these amendments will place the application in a condition for allowance.

Therefore, reconsideration and allowance of amended dependent claims 35, 36, and 38, and cancellation of independent claim 37 without prejudice is requested pursuant

to Rule 116 and MPEP 714.12, first paragraph of the discussion, since these amendments place this application "in a condition for allowance."

### Conclusion

For the foregoing reasons, allowance of amended claims 35, 36 and 38 is respectfully requested.

If, after considering this Response, the Examiner is of the view that any of the claims are not allowable, a telephone interview with applicants' undersigned attorney William Francis is requested (pursuant to MPEP 714.12) so that immediate consideration can be given to any further amendments proposed by the Examiner or otherwise needed to place all the claims in a condition for allowance. The Examiner is asked to initiate this interview by telephoning William Francis at (248) 689-3500, Ext. 153 who normally can be reached Monday through Friday between 9:00 A.M. and 5:00 P.M.

Applicants believe that no fees are due at this time. Any fee(s) deemed necessary for this response may be charged to deposit account no. 50-0852.


Respectfully submitted,

Reising Ethington P.C.

WHF:sal

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By



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